

AMENDED IN ASSEMBLY MAY 28, 2009

SENATE BILL

No. 680

Introduced by Senators Romero and Huff

February 27, 2009

~~An act to repeal Sections 48314.5 and 48315 of the Education Code,~~
An act to amend Sections 48301, 48306, 48307, 48310 and 48313 of,
and to repeal Sections 48314.5 and 48315 of, the Education Code,
relating to school attendance, and declaring the urgency thereof, to take
effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 680, as amended, Romero. School attendance: interdistrict transfers.

(1) Existing law requires each person between the ages of 6 and 18 years, who is not otherwise exempt, to attend the public full-time day school in the school district in which his or her parent or guardian is a resident. Existing law authorizes the governing board of a school district to accept interdistrict transfers by adopting a resolution to become a school district of choice, as defined. ~~Commencing August 24, 2007, existing law prohibits the governing board of a school district from electing to become a school district of choice.~~ *Existing law requires each school district that elects to become a school district of choice to keep an accounting of all requests made for alternative attendance, as specified, and to report this information to the Superintendent of Public Instruction. Existing law requires the Superintendent to annually make this information available to the Governor, the Legislature, and the public on or before April 1. Existing law prohibits a school district that has not elected to become a school district of choice prior to August 24, 2007, from becoming a school district of choice.* Existing law makes

the provisions governing interdistrict transfers inoperative on July 1, 2009, and repeals these provisions on January 1, 2010.

This bill would delete the prohibition on becoming a school district of choice. The bill also would delete the inoperative and repeal dates of these provisions, thereby extending their operation indefinitely. *This bill would also delete the requirement that the Superintendent annually make the information provided by school districts available to the Governor, the Legislature, and the public on or before April 1. This bill would require local school districts who have adopted a resolution, or elect to become a school district of choice, to publicly report information regarding requests made for interdistrict transfers to adjacent school districts and the county office of education in which the district is located. The bill would also require any communication made by a participating school district to parents or guardians to be factually accurate and not target individual pupils as specified. The bill would make other technical and clarifying changes.*

(2) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 48301 of the Education Code is amended
2 to read:
3 48301. (a) The governing board of any school district may
4 accept interdistrict transfers. A school district that receives an
5 application for attendance under this article is not required to admit
6 pupils to its schools. If, however, the governing board elects to
7 accept transfers as authorized under this article, it may, by
8 resolution, elect to accept transfer pupils, determine and adopt the
9 number of transfers it is willing to accept under this article, and
10 ensure that pupils admitted under the policy are selected through
11 a random, unbiased process that prohibits an evaluation of whether
12 or not the pupil should be enrolled based upon his or her academic
13 or athletic performance. Any pupil accepted for transfer shall be
14 deemed to have fulfilled the requirements of Section 48204. *If the*
15 *number of transfer applications exceeds the number of transfers*
16 *the governing board elects to accept under this article, approval*

1 *for transfer pursuant to this article shall be determined by a*
2 *random drawing held in public.*

3 (b) Either the pupil's school district of residence, upon
4 notification of the pupil's acceptance to the school district of choice
5 pursuant to subdivision (c) of Section 48308, or the school district
6 of choice may prohibit the transfer of a pupil under this article or
7 limit the number of pupils so transferred if the governing board of
8 the district determines that the transfer would negatively impact
9 any of the following:

10 (1) The court-ordered desegregation plan of the district.

11 (2) The voluntary desegregation plan of the district.

12 (3) The racial and ethnic balance of the district.

13 (c) The school district of residence may not adopt policies that
14 in any way block or discourage pupils from applying for transfer
15 to another district.

16 (d) *Communications to parents or guardians by districts electing*
17 *to enroll pupils under the choice options provided by this article*
18 *shall be factually accurate and not target individual parents or*
19 *guardians on the basis of their child's actual or perceived*
20 *academic or athletic performance.*

21 *SEC. 2. Section 48306 of the Education Code is amended to*
22 *read:*

23 48306. (a) A school district of choice shall give priority for
24 attendance to siblings of children already in attendance in that
25 district.

26 (b) A school district of choice may give priority for attendance
27 to children of military personnel, ~~if the school district elected to~~
28 ~~accept transfer pupils pursuant to Section 48301 by a resolution~~
29 ~~adopted by the governing board of the school district prior to April~~
30 ~~1, 2005.~~

31 *SEC. 3. Section 48307 of the Education Code is amended to*
32 *read:*

33 48307. (a) A school district of residence with an average daily
34 attendance greater than 50,000 may limit the number of pupils
35 transferring out each year to 1 percent of its current year estimated
36 average daily attendance.

37 (b) A school district of residence with an average daily
38 attendance of less than 50,000 may limit the number of pupils
39 transferring out to 3 percent of its current year estimated average
40 daily attendance and may limit the maximum number of pupils

1 transferring out for the duration of the program authorized by of
2 the district pursuant to this article to 10 percent of the average
3 daily attendance for that period.

4 SEC. 4. Section 48310 of the Education Code is amended to
5 read:

6 48310. (a) The average daily attendance for pupils admitted
7 by a school district of choice pursuant to this article shall be
8 credited to that district pursuant to Section 46607. The attendance
9 report for the school district of choice may include an identification
10 of the school district of residence.

11 (b) Notwithstanding other provisions of law, state aid for
12 categorical education programs for pupils admitted under this
13 article shall be apportioned to the school district of choice.

14 (c) For any school district of choice that is a basic aid district,
15 the Superintendent of Public Instruction shall calculate for that
16 basic aid district an apportionment of state funds that provides 70
17 percent of the district revenue limit calculated pursuant to Section
18 42238 that would have been apportioned to the school district of
19 residence for any average daily attendance credited pursuant to
20 this section apportionment of state funds for any average daily
21 attendance credited pursuant to this section shall be 70 percent
22 of the district revenue limit calculated pursuant to Section 42238
23 that would have been apportioned to the district of residence. For
24 purposes of this subdivision, the term “basic aid district” means a
25 school district that does not receive from the state, for any fiscal
26 year in which the subdivision is applied, an apportionment of state
27 funds pursuant to subdivision (h) of Section 42238.

28 (d) The State Allocation Board shall develop procedures to
29 ensure that the average daily attendance of pupils admitted by a
30 school district of choice pursuant to this article shall be credited
31 to that school district for the purposes of any determination under
32 Article 2 (commencing with Section 17010) of Chapter 12 of Part
33 10 that utilizes an average daily attendance calculation.

34 SEC. 5. Section 48313 of the Education Code is amended to
35 read:

36 48313. (a) Pursuant to this article, each school district electing
37 to accept transfer pupils shall keep an accounting of all requests
38 made for alternative attendance and records of all disposition of
39 those requests that may shall include, but are not limited to, all of
40 the following:

1 (1) The number of requests granted, denied, or withdrawn. In
2 the case of denied requests, the records may indicate the reasons
3 for the denials.

4 (2) The number of pupils transferred out of the district pursuant
5 to this article.

6 (3) The number of pupils transferred into the district pursuant
7 to this article.

8 (b) The information maintained pursuant to subdivision (a) ~~may~~
9 *shall* be reported to the governing board of the school district at a
10 regularly scheduled meeting of the governing board. ~~The~~ *No later*
11 *than May 15th of each year, the* school district ~~annually~~ shall report
12 the information maintained pursuant to subdivision (a) in addition
13 to information regarding the district's status as a school district of
14 choice ~~to in the upcoming school year to each school district that~~
15 *is geographically adjacent to the district electing to accept transfer*
16 *pupils, the county office of education in which the district is*
17 *located, and the Superintendent on or before a date designated by*
18 ~~the Superintendent. Commencing in 2008, the Superintendent~~
19 ~~annually shall make the information available to the Governor, the~~
20 ~~Legislature, and the public on or before April 1.~~

21 (c) ~~On or before November 1, 2008, the department shall prepare~~
22 ~~and submit to the Legislature a report evaluating interdistrict~~
23 ~~transfer options within the state with an emphasis on the~~
24 ~~interdistrict transfer program established pursuant to this article.~~
25 ~~The report shall include, but is not limited to, the information~~
26 ~~described in paragraphs (1) to (3), inclusive, of subdivision (a) and~~
27 ~~all of the following:~~

28 (1) ~~The number and characteristics of pupils who use one of the~~
29 ~~various interdistrict transfer options and other school choice options~~
30 ~~within the state, with a specific focus on pupils who use the~~
31 ~~interdistrict transfer program established pursuant to this article.~~
32 ~~The characteristics reported on pursuant to this paragraph shall~~
33 ~~include, but not be limited to, race, ethnicity, socioeconomic status,~~
34 ~~English proficiency, and whether or not the pupil participates in~~
35 ~~a special education program, the International Baccalaureate~~
36 ~~Program, or another specialized instructional program.~~

37 (2) ~~The Academic Performance Index scores of schools in school~~
38 ~~districts of residence and school districts of choice for the previous~~
39 ~~five years, including subgroup scores.~~

1 ~~(3) The graduation rates of school districts of residence and~~
2 ~~school districts of choice for the previous five years.~~

3 ~~(4) The enrollment of school districts of residence and school~~
4 ~~districts of choice for the previous five years.~~

5 ~~(5) The fiscal health of school districts of residence and school~~
6 ~~districts of choice, including, but not limited to, both of the~~
7 ~~following:~~

8 ~~(A) Whether or not the school district is experiencing a decline~~
9 ~~in enrollment.~~

10 ~~(B) Whether or not the school district received a negative or~~
11 ~~qualified rating of its certification pursuant to Section 42131.~~

12 ~~(6) Whether any school district has exceeded the transfer limits~~
13 ~~in Section 48307 and the resulting implications for the impacted~~
14 ~~district.~~

15 ~~(7) Other information the department deems appropriate,~~
16 ~~including information related to educational outcomes of school~~
17 ~~districts of residence and school districts of choice.~~

18 ~~(8) Recommendations regarding the extension of the interdistrict~~
19 ~~transfer program pursuant to this article.~~

20 ~~(d) To the extent practicable, the department shall survey school~~
21 ~~districts of residence and school districts of choice to gather the~~
22 ~~information described in paragraphs (1) to (7), inclusive, of~~
23 ~~subdivision (c).~~

24 ~~SECTION 1.~~

25 ~~SEC. 6.~~ Section 48314.5 of the Education Code is repealed.

26 ~~SEC. 2.~~

27 ~~SEC. 7.~~ Section 48315 of the Education Code is repealed.

28 ~~SEC. 3.~~

29 ~~SEC. 8.~~ This act is an urgency statute necessary for the
30 immediate preservation of the public peace, health, or safety within
31 the meaning of Article IV of the Constitution and shall go into
32 immediate effect. The facts constituting the necessity are:

33 In order to ensure that pupils continue to have the opportunity
34 to apply for interdistrict transfers, it is necessary that this act take
35 effect immediately.